

To the Honorable Kevin J. Martin, Chairman; Kathleen Q. Abernathy, Commissioner; Michael J. Copps, Commissioner; and Jonathan S. Adelstein, Commissioner:

Thank you for extending your the comment period for FR Doc. 05-13368 to provide the LPFM community an opportunity review and comment on the proposed changes to LPFM. I will try to keep my four comments brief.

My name is Alan Gilda. I am part of a LPFM station in Montana and have experienced some of the issues raised in the pre-ambls. I would also like to provide some additional comments from our own experience for your consideration. Thank you.

1) We support your proposed changes to 73.870 and 871 as listed in FR Doc. 05-13368.

2) We request that your Commission consider a situation we ran into after filing form 318. We spent a lot of volunteer time to research what frequencies were open and where to locate our antenna. When we filed, there were at least 6 frequencies that were available, including the one we filed for. Even with the separation rule, there were no reserved frequencies anywhere near us, according to the Channel Search website. Our initial application was later rejected because some full-power stations apparently bought up almost all of the available frequencies (or so we were told) around each LPFM application in town just after they were filed. Yet, those frequencies remain silent today.

We are aware of the large sum of money those frequencies bring the FCC and the US Government and that makes us all the more appreciative for the opportunity we have to participate in the LPFM realm, but there seems to be some problems.

The pre-ambls indicate the commision's desire for LPFM suceed and that you want to keep the door open for the local community to have voice. Is there a way to require the companies that bought up all the available frequencies to use those frequencies? (Do they have 36 months to utilize those frequencies or is just 36 months to build a facility?) Can we request, petition, or submit a minor revision or amendment to ask for our original frequency or a different frequency if they come available again?

3) We have been shocked to find out over the past few months that the local community, which indicated they were excited about the LPFM opportunity when we filed the application, now have no interested in participating in or providing local programming. I am not quite sure why. Maybe they didn't fully realize the limitation placed on non-profit entities or something, but it has caused us some programming concern. Thankfully, we did not check the "provide local programming" box or else we would be in big trouble with no way out except to give up our license or pay continual fines.

My comment on this matter is, PLEASE consider this aspect of the 318 application carefully. If we had checked the box that we were going to provide community programming, we would be in big trouble and we would have no way to resolve the issue except to forfeit our license or pay continual fines. We talked to a number of people and organizations prior to applying and they were all very supportive. But now, whether for economical reasons or changes in management or ?, there is suddenly no interest and we are left hanging. As a result, we are having to go look for programming to broadcast. We have sent out letters and paid personal visits, but no one is interested anymore.

In light of our experience, we request that as the commission, through the Localism Task Force, looks to enforce, tighten, and crack down on those who checked the "community programming" box, PLEASE consider expanding the minor revision or amendment category to include this item/topic.

4) We have noted a disparity between for-profit station and not-for-profit stations that wasn't apparent before we filed. As you are aware, a not-for-profit entity is prohibited from advertising. While we are permitted to solicit underwriters, looking at recent cases on your website, the FCC is being very stringent with LPFM stations (i.e. 2004 Enid, Ok case and ) as compared to ads NPR stations airs. We are not only prohibited from soliciting advertising, we are also limited to just 100 watts which has restricted our ability to build a sponsor's base.

Unfortunately I do not have any new suggestions or ideas on this issue, but just want you to be aware of, for the record, some of the issues we are experiencing as we are working to get a LPFM station up and running. Some days it seems like we entering a boxing match with both hands tied behind our back.

Thank you for your time and careful consideration of the issues we have faced. Please do not take my comments as criticism or complaints because they are not. I just want to provide some input from "the field" on what we are experiencing in this new arena. Our Church Fellowship is very thankful and indebted to the FCC for allowing us this opportunity to participate in a market that in the past was reserved for those with excessive commercial of money. Even though we feel intimidated because our wattage is restricted and we can't raise funds the commercial way the big stations do, we don't have the operating expenses the corporate stations do, which sort of balances the scales out a bit. Again, we are very thankful to you and commission for this opportunity to provide our community an opportunity to air local programming without the huge costs the commercial stations charge.

Thank you again for this historic opportunity!

Sincerely,

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P.S. Is the FCC planning another LPFM filing window?